

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of JACKSON LYLE GRAINGER,  
Minor.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
January 5, 2006

Petitioner-Appellee,

v

KATHERINE GRAINGER,

Respondent-Appellant.

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No. 261455  
Presque Isle Circuit Court  
Family Division  
LC No. 03-000027-NA

Before: O'Connell, P.J., and Smolenski and Talbot, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that this statutory basis for termination was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A statutory basis for termination arises if “[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time . . . .” The primary condition that led to adjudication was respondent’s serious and ongoing drug use. The minor child was born addicted to drugs, and respondent admitted to drug use the day before she gave birth. During the pendency of this case, respondent tested positive for drug screens, presented diluted drug screens, and failed to comply with requested drug screens. She also attempted programs at several drug rehabilitation centers and failed. Given respondent’s relapses and her extensive history of drug use, it remained extremely unlikely that she would sufficiently remedy her substance abuse problem within a reasonable time so that she could competently parent her child.

Having found that there was a statutory basis for termination, the trial court was required to terminate respondent’s parental rights unless there was clear evidence on the whole record that termination was not in the child’s best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent claims that petitioner failed to satisfy its burden because it did not present any witnesses during the best-interests phase of the trial. However,

petitioner was not required to present additional witnesses, and the record does not demonstrate that termination was clearly contrary to the child's best interests.

Respondent also argues that the trial court erred in failing to dismiss the termination petition where the petition did not specifically state under which statutory subsection termination was being sought. However, the petition contained detailed allegations of respondent's drug abuse and alleged that respondent had failed to successfully rehabilitate herself. Therefore, respondent was given adequate notice of the allegations and the proofs that she would need to present in order to avoid termination of her parental rights. *In re Perry*, 193 Mich App 648, 651; 484 NW2d 768 (1992).

Respondent also contends that the trial court erred in allowing the petitioner to present witnesses whose names were not on the original witness list. However, the two additional witnesses only became involved in respondent's case a few weeks before trial and several months after the last witness list was filed. The probation officer who testified had only interviewed petitioner a week before trial, and would testify that petitioner admitted to continued drug abuse. On the Thursday before trial, which started Monday, petitioner provided respondent with notice that it planned to present the witnesses. While this may be short notice, respondent fails to provide any legal support for her theory that the late notice violated her right to due process, so she has abandoned this issue. *People v Piotrowski*, 211 Mich App 527, 530; 536 NW2d 293 (1995). Because we do not find any error in the court proceedings, it follows that there was no prejudice from cumulative error, and we accordingly reject respondent's final argument.

Affirmed.

/s/ Peter D. O'Connell  
/s/ Michael R. Smolenski  
/s/ Michael J. Talbot